REMARKS

The Official Action dated July 2, 2003 has been carefully considered. Accordingly, the following remarks are believed sufficient to place the present application in condition for allowance. Reconsideration is respectfully requested.

The Examiner's indication of allowance of claims 21-23, 35-47 and 51-54 is acknowledged and appreciated.

Claims 1-19, 25, 29-34 and 48-50 were rejected under 35 U.S.C. §103(a) as being unpatentable over the Feingold U.S. Patent No. 6,106,553 in view of the Wanders U.S. Patent No. 6,092,899. Claims 26-28 were rejected under 35 U.S.C. §103(a) as being unpatentable over Feingold and Wanders and further in view of the Choyce U.S. Patent No. 4,414,694. The Examiner asserted that Feingold teaches a conventional concave intraocular lens and in Figure 17 details a non-spherical surface and the Examiner relies on Wanders as teaching that it is conventional and advantageous to form a continuous surface wherein each of the angular zones blends smoothly and without discontinuity into adjacent zones. The Examiner concluded it would have been obvious to modify Feingold to provide a curved surface free from discontinuities and points of inflection as taught by Wanders. The Examiner relied on Choyce as disclosing a peripheral part with a generally concave portion. In response to Applicants' previous arguments, the Examiner asserted it is not surprising that the point of inflection at R8 of Feingold may be a problem as the problem of image discontinuity and refraction is recognized by Wanders. The Examiner further asserts that Wanders has different sections of the lens where surfaces meet at abrupt angles and there is a need to have the transition to be as gradual as possible. The Examiner asserts that it is not an inventive step to smooth out any discontinuities in the lens as it is intended to pass light into the eye.

However, Applicants submit that the intraocular correction lenses defined by claims 1-19, 25-34, 49 and 50 and the kit of intraocular lenses defined by claim 48 are nonobvious

over and patentably distinguishable from Feingold in view of Wanders, even in further combination with Choyce. Accordingly, these rejections are traversed and reconsideration is respectfully requested.

More particularly, as defined by claim 1, the intraocular correction lenses according to the invention are adapted for implantation in the posterior chamber of an eye between the iris and the intact natural lens. The inventive intraocular correction lens comprises a centrally located optical part capable of providing an optical correction, and a peripherally located supporting element capable of maintaining the optical part in the central location. The optical part and the support element *together* have a concave *posterior* surface which is part of a non-spherical surface that is rotation symmetric around the optical axis of the optical part. The intersection between the non-spherical surface and any plane containing the optical axis represents a flawless curve free from discontinuities and points of inflection. The kit of claim 48 comprises intraocular lenses according to claim 1, with a suitable variety of optical powers.

As set forth in the present specification, for example at page 1, lines 5-8, the present intraocular correction lens provides a more anatomical fit in the posterior chamber of the eye, thereby minimizing risks of disturbing the natural lens. As described in further detail at page 7, beginning at line 3, the lens avoids local pressure points which can form stress concentration points or zones on the natural lens of an eye, which may impair the natural metabolism of the natural lens and form local opacifications, leading to cataract formation and the need for surgical intervention. Thus, the intraocular correction lens adapted for implantation in the posterior chamber of an eye between the iris and the intact natural lens as presently claimed provides significant advantages. Importantly, the optical part and the support element *together*, i.e., not merely the optical part, have a concave *posterior* surface which is part of a non-spherical surface that is rotation symmetric around the optical axis of

the optical part. The intersection between the non-spherical surface and any plane containing the optical axis represents a flawless curve free from discontinuities and points of inflection.

Feingold discloses an artificial intraocular refractive correction lens which is implanted into an eye that has a natural crystalline lens. At column 5, lines 4-8, Feingold discloses that at least a part of the posterior surface of the intraocular lens is separated from the anterior of the natural crystalline lens to form a spacing therebetween. At column 6, beginning at line 20, Feingold discloses that the small gap allows for flow of body fluids and minimizes friction. However, Applicants find no teaching, suggestion or recognition by Feingold regarding the surface design of the intraocular lens *posterior* surface which faces the natural lens, or that such is important in reducing performance problems as discussed above. Figure 17 referenced by the Examiner provides no such teaching, suggestion or recognition. In fact, Feingold does not provide a detailed description regarding the embodiment of Figs. 15-17, and at column 6, Feingold merely discloses that the detailed curvature of the intraocular refractive correction lens is shown in Figure 17. It would appear from Figure 17 that at R8, a point of inflection is disclosed.

On the other hand, Wanders discloses multifocal contact lenses which rest on a cornea and are provided with a reading part and a distance part. Applicants find no teaching or suggestion by Wanders relating to an intraocular lens, particularly adapted for implantation between the iris and the intact natural lens, or relating to the design of the posterior surface of the lens which faces the cornea. While Wanders teaches the shape of the anterior surface of the lens to be smooth, such a teaching provides no suggestion or motivation for modifying a posterior surface of the intraocular lens of Feingold.

The Examiner appears to be of the opinion that a posterior surface as presently claimed solves a problem of image quality or minimizes optical problems, which appear to be concerns of the contact lens of Wanders. However, the present invention defines the

posterior surface of the optical part and the support element *together*, i.e., not merely the optical part. Contact lenses as disclosed by Wanders do not have peripherally located support elements that are needed in intraocular lens implants to ensure correct positioning of the lens in the eye. Thus, any teachings of Wanders relating to an anterior suface of an optical portion are not relevant to the design of a posterior surface of the optical part and the support element of Feingold.

On the other hand, while Feingold acknowledges that it is important to minimize interaction between a natural lens and an intraocular lens implant in the posterior chamber of the eye, Feingold suggests a different technical solution to overcome the problem, namely a spacing. One of ordinary skill in the intraocular lens implant art would have no reason to look to the teachings of Wanders, which relate to different devices and different technical problems and which provide no teaching as to the posterior surface of the contact lens. Moreover, one of ordinary skill in the intraocular lens implant art would find no suggestion from such teachings to modify the posterior surface of the Feingold lens. Thus, Feingold and Wanders are not properly combinable to render the presently claimed invention obvious.

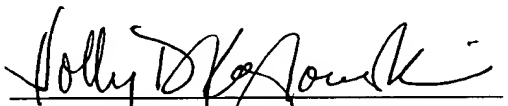
Finally, Choyce discloses an intraocular lens formed entirely of a polysulfone plastics material. However, Applicants find no teaching or suggestion by Choyce relating to the shape of the posterior surface of the lens and, as shown in Fig. 2, the posterior surface of the lens contains multiple points of inflection. Thus, Choyce does not resolve the deficiencies of Feingold or Wanders.

In order to render a claimed invention obvious, prior art must enable one skilled in the art to make and use the claimed invention, *Motorola, Inc. v. Interdigital Tech. Corp.*, 43 U.S.P.Q.2d 1481, 1489 (Fed. Cir. 1997). Moreover, the mere fact that it is possible to find two isolated disclosures which might be combined in such a way to produce a claimed invention does not necessarily render such a combination obvious unless the prior art also

contains something to suggest the desirability of the proposed combination, *In re Grabiak*, 226 U.S.P.Q. 870, 872 (Fed. Cir. 1985). In view of the deficiencies in the teachings of Feingold, Wanders and Choyce as discussed above, these references, alone or in combination, do not enable one of ordinary skill in the art to make and use the presently claimed intraocular correction lens and do not suggest any desirability of the combinations of teachings proposed by the Examiner. Accordingly, these references do not support the rejections under 35 U.S.C. §103. It is therefore submitted that the intraocular correction lenses defined by claims 1-19, 25-34, 49 and 50 and the kits defined by claim 48 are nonobvious over and patentably distinguishable from Feingold and Wanders, even in further view of Choyce, whereby the rejections under 35 U.S.C. §103 have been overcome. Reconsideration is respectfully requested.

It is believed that the above represents a complete response to the rejections under 35 U.S.C. § 103 and places the present application in condition for allowance. Reconsideration and an early allowance are requested.

Respectfully submitted,



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